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FCC - MAILROOMmail nhawthorne@carthlink net

NATHANIEL HAWTHORNE

Attorney at Law/Consultant

Admitted in Ohio Illinois and the District of Columbia

27600 Chagrin Boulevard Suite 260 Cleveland, OH 44122 (216) 514-3336 fax (216) 514-3337

E090/782.759US Express Mail EU164244682US

Appeal, and request for Expedited Relief, to the Federal Communications Commission on behalf of Marshall County School District

October 16, 2003

Secretary
Office of the Secretary
Federal Communications Commission
445 –12th Street, S W , Rm TW-204B
Washington, D C 20554

96-45

This is an appeal from a decision by the Schools and Libraries Division of the USAC

Jaw chan

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope

Nathaniel Hawthorne

Attorney for Marshall County School District

18. 1. 1. Cof 4.

Express Mail EO901782759US



Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of the) File No. SLD -
)
Appeal of the Decision of the)
)
Universal Service Administrator by)
the)
)
Marshall County School District)
)
) CC Docket No. 96 - 45
Federal-State Joint Board on) CC Docket No. 90 - 45
Universal Service	,
Changes to the Board of Directors of	<i>?</i>
The National Exchange Carrier)
Association Inc	CC Docket No. 97, 21

Appeal and Request for Expedited Relief on behalf of the Marshall County School District

October 16, 2003

Marlene H. Dortch Office of the Secretary Federal Communications Commission 445 12th Street, S.W. Suite TW-A325 Washington, D.C. 20554 This is an appeal from a decision by the Schools and Libraries Division of the USAC. Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

(1) Funding Commitment Decision Letter Appealed

Form 471 Application Number: 336561

Funding Year 2003: 07/01/2003-06/30/2004

Billed Entity Number 126717

Date of Funding Denial Notice September 9, 2003
Date of Appeal October 16, 2003

(2) SLD Contact Information

(a) Currie A Sutton 27600 Chagrin Blvd, Ste 260 Cleveland, OH 44122 Tel (216) 682.0169 Fax (216) 514-3337

(b) Nathaniel Hawthorne, Attorney (To discuss this Appeal) 27600 Chagrin Blvd, Ste 265 Cleveland, OH 44122 Tel (216) 514.4798

(3) Funding Request Numbers Appealed

FRN -982959, FRN - 934156

(4) SLD's Reason for Funding Denial of FRN 982959

The SLD stated that funding is denied because:

"30% or more of this FRN includes a request for unsubstantiated charges which are ineligible per program rules."

(5) The "30% rule" was incorrectly applied by the SLD.

- a) The Marshall County School District (Marshall) prepared and timely filed a

 FCC Form 471 for telecommunications service with AT&T Wireless Services,

 Inc. as the vendor. The service had an "estimated" monthly charge of

 \$1,100.00 with estimated annual charges of \$13,200.00.
- b) **Exhibit A** is the "billing" that Marshall submitted to the SLD.
- c) While the District's request for funding was based on anticipated (estimated) telecommunications usage, Marshall's expenses should have been reduced rather than denied
- d) The FCC's 30% rule provides, *in relevant part*, "[if] 30% or more of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services (including services for ineligible entities or uses), the PIA team will deny the entire Block 5 funding request, even if eligible components are part of the request. If less than 30% of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services, the PIA team will reduce the request by the cost of the ineligible components, and the Funding.

 Commitment Decision Letter will cite the ineligible services for which funds were not committed. If the request is reduced, applicants and service providers must ensure that the SLD is not invoiced for the ineligible items.

 [Emphasis added.] Here, there are no ineligible expenses included in Marshall's USF request.
- c) Based on the 30% rule and the attached exhibits, there is no factual basis for the denial

(6) <u>SLD's Reason for Funding Denial of FRN - 934156</u>

(a)The SLD denied funding for this FRN since the vendor, Staley Electric Company, Inc. is not a telecom provider. The correct SPIN for the vendor is 143027008, MobilFone Service, Inc. dba Staley Paging. See, **Attachment B.**

Conclusion

Marshall is Requesting the Following Action by the FCC:

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN -982959, FRN 934156
- (a) Set aside funds to totally fund Marshall's request.

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Respectfully submitted,

Nathaniel Hawthorne

District of Columbia Bar No. · 237693 27600 Chagrin Blvd , Ste 265

Cleveland, OH 44122

tel 216/514.4798

e-mail nhawthorne@earthlink net

Attorney for

Marshall County School District



FAX COVER SHEET

To:

Patricia Hasegawa – SLD

Fax:

1.973.599.6521

From:

Currie A. Sutton

Date:

June 26, 2003

Subject:

Marshall County School District

Application # 336561

Pages: #4 # (Including Cover)

FRN: 934081

Verizon – Local Service – see attached bills pages 2 – 11

FRN: 934115

Frontier - Local Service – see attached bills page 12 - 18

FRN: 934120

AT&T - Long Distance - see attached bills pages 19-32

FRN: 934123

Frontier – High Bandwidth – see attached bills pages 33 - 34 The documentation supports the costs of 1-T1. A new T1 has been ordered, but not installed. Upon it's installation the monthly rate will increase by an additional \$421.25.

FRN: 934156

Staley – Paging Services – see attached bill page 35

FRN: 982959

AT&T - Wireless Services - see attached bills pages 36 - 48

Currie A. Sutton, email: curries@ameritech.net

Tel: 216.682.0169

Fax: 216.514.3337



#BWNGFYV #0003900900177575# w AV 02 037798 28118E241 A**5DGT Subdiction interest than the Architecture of the Control of the Co MARSHALL COUNTY SCHOOLS PO BOX 578 MOUNDSVILLE WV 26041-0578

Questions?

www.attwireless.com

• 1-800-888-7600

611 from your wireless phone
 TTY users - 1-866-4-AWS-TTY

Date of Invoice: 05/17/03

SUMMARY OF MONTHLY CHARGES FOR ARCDUNT 90017757 Wireless Number - No Per-Line Account

Previous Balanca	Payments Received	Late Payment Charge	Adjustments	Balance Forward	Current Monthly Charges
81.74	81.74CR	.00	.00	.00	82.28
Your billing cy	cle began on O	1/16 and ended o	on 05/15.	PAID	Total Amount Due

Current Monthly Charges

Summary of Individual Number Charges

(304) 281-7608 FRED RENZELLA (304) 281-7609 FRED RENZELLA

17.98 64.30

Total Current Monthly Charges TOTAL AMOUNT DUE

DUE UPON RECEIPT

82.28

82.28

Note: We Print on

AT&T WIRELESS APPRECIATES YOUR BUSINESS

Front and Back.

JUN.24.2003

3.43PMnt NMARSHALL CO BOARD ED Invoice

MARSHALL COUNTY SCHO

Account Number

90017757

05/17/03

Telephone Number 304-281-7609

Service User FRED RENZELLA



NO.549age P.3/5

SUMMARY OF CHARGES SEED FROM SECTION OF THE SECTION
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4/16/03 Through 5/15/03

MONTHLY SERVICE - AT&T DIGITAL ONE RATE \$59.99 59.99 CALL WAITING .00 INTL DIALING .00 CALLER ID .00 AT&T 2-WAY TEXT MSG \$0.00 .00

TOTAL MONTHLY SERVICE CHARGES

59.99

.00

HOME AIRTIME CHARGES

4/16/03 Through 5/15/03 - AT&T DIGITAL ONE RATE \$59.99

Category Minutes Rate Charge INCLUDED IN PLAN 334 .000 .00 TOTAL HOME AIRTIME CHARGES

OTHER CHARGES AND CREDITS

DETAIL BILLING .00

TOTAL OTHER CHARGES AND CREDITS .00

TAXES, SURCHARGES & REGULATORY FEES

FEDERAL TAX 1.87 911 SURCHARGE 1.18 UNIVERSAL CONNECTIVITY CHARGE 1,26

TOTAL TAXES, SURCHARGES & REGULATORY FEES

4.31

TOTAL CURRENT MONTHLY CHARGES

64.30

HOME AIRTIME AND LONG DISTANCE CHARGES

kef	Date <u>Time</u>	Number Called	Calls To	Calls From	<u>Minutes</u>	Ai <u>r</u>	Long Distance	Total
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JUN.24.2003

3:43PM Name MARSHALL CO BOARD EDnvoice

MARSHALL COUNTY SCHO

05/17/03

Telephone Number 304-281-7608

Service User FRED RENZELLA

NO.549

SUNMARY OF CHARGES

Account Number 90017757

MON'THLY SERVICE CHARGES

4/16/03 Through 5/15/03

MONTHLY SERVICE

- AT&T ADVANTAGE GOVERNMENT

15.95

FEATURE PACKAGE

.00

P.4/5

TOTAL MONTHLY SERVICE CHARGES

15.95

HOME AIRTIME CHARGES

4/16/03 Through 5/15/03 - AT&T ADVANTAGE GOVERNMENT

Category AIRTIME

Minutes 0

Rate Charge

.00

TOTAL HOME AIRTIME CHARGES

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TAXES, SURCHARGES & REGULATORY FEES

FEDERAL TAX 911 SURCHARGE

UNIVERSAL CONNECTIVITY CHARGE

.52 1.18

.33

TOTAL TAXES, SURCHARGES & REGULATORY FEES

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TOTAL CURRENT MONTHLY CHARGES

17.98



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MARSHALL COUNTY SCHOOLS ATTN: BRUCE MOSA 300 7TH ST

MOUNDSVILLE WV 26041-2125

Questions?

www.attwireless.com

· 1-800-886-7600

611 from your wireless phone
 TTY users - 1-866-4-AWS-TTY

Date of Invoice: 05/26/03

SUMMARY OF MONTHLY CHARGES FOR ACCOUNT

Wireless Number - Multi-Line Account

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Previous Balance	Payments Received	Late Payment	Addition of the		& Current & Monthly LARChanges
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					20(2) (1000) TRACTOR (III) AND (III)

90017401

Your billing cycle began on 04/25 and ended on 05/24.

316.95

Current Monthly Charges

Summary of Individual Number Charges

(304) 280-7629 bruce mosa 32.96 (304) 281-4338 Bruce Mosa 43.27 (304) 281-5119 Bruce Mosa 32.75 (304) 281-5856 DAVID WOOD 110.92

(304) 281-7642 RONALD PETTIT

(304) 281-7676 BRUCE MOSA

lotal Current Monthly Charges

TOTAL AMOUNT DUE

DUE UPON RECEIP

316,95

32.75

64.30

316.95

Note: We Print on Front and Back.

AT&T WIRELESS APPRECIATES YOUR BUSINESS



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Questions?

www.attwireless.com

· 1-800-888-7600

611 from your wireless phone

• TTY users - 1-866-4-AWS-TTY

Date of Invoice: 05/10/03

SUMMARY OF MONTHLY CHARGES FOR ACCOUNT 90068651

Wireless Number Mylti-Line Account

Previous Balance	Payments Received	Late Payment Charge	Adjustments	Balance Forward		Current Monthly Charges
211.57	211.57CR	.00	.00	.00		282.60
					.'. 🔨	Jiotal

Your billing cycle began on 04/09 and ended on 05/08.

282.60

vinount

Current Monthly Charges

Current Monthly Charges subtotals for each telephone number are provided on the following pages. Billing detail for each telephone number follows these subtotals.

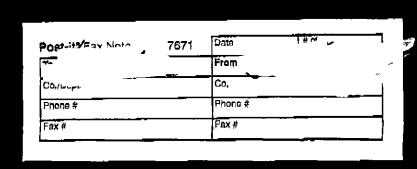
Total Current Monthly Charges TOTAL AMOUNT DUE DUE UPON RECEIPT

282.60

282.60

AT&T WIRELESS APPRECIATES YOUR BUSINESS

Note:
We Print on Front and Back.



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3:11AM MARSHALL CO BOARD ED ACCOUNT Name

TOTAL CURRENT MONTHLY CHARGES

Account Number

90068651

MARSHALL COUNTY SCHO

05/10/03

Telephone Number 304-281-2140

Service User BRUCE MOSA



22.24

MONTHLY SERVICE CHARGES 4/09/03 Through 5/08/03 MONTHLY SERVICE - AT&T WIRELESS \$19.99 19.99 CALL WAITING .00 INTL DIALING .00 CALLER ID .00 AT&T 2-WAY TEXT MSG \$0.00 .00 TOTAL MONTHLY SERVICE CHARGES 19.99 **HOME AIRTIME CHARGES** 4/09/03 Through 5/08/03 - AT&T WIRELESS \$19.99 Minutes Charge Category Rate INCLUDED IN PLAN .000 44 .00 TOTAL HOME AIRTIME CHARGES .00 OTHER CHARGES AND CREDITS DETAIL BILLING .00 TOTAL OTHER CHARGES AND CREDITS .00 TAXES, SURCHARGES & REGULATORY FEES FEDERAL TAX .65 911 SURCHARGE 1.18 UNIVERSAL CONNECTIVITY CHARGE .42 TOTAL TAXES, SURCHARGES & REGULATORY FEES 2.25

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Account Name

MARSHALL CO BOARD ED

MARSHALL COUNTY SCHO

05/10/03

Date of Invoice

Service User

NO.559 P.3/12

Account Number 90063651

Telephone Number 304-281-2141

BRUCE MOSA

SUMMARY OF CHARGE

MONTHLY SERVICE CHARGES

4/09/03 Through 5/08/03	•	
MONTHLY SERVICE	- AT&T WIRELESS \$19.99	19.99
CALL WAITING		.00
INTL DIALING		.00
CALLER ID		.00
AT&T 2_WAY TEXT M	SG \$0.00	.00

TOTAL MONTHLY SERVICE CHARGES

19.99

HOME AIRTIME CHARGES

4/09/03 Through 5/08/03 - AT&T WIRELESS \$19-99

4/99/03 inrough 5/08/03 - Ai&i wikeLESS	214.42		
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OTHER CHARGES AND CREDITS			
DETAIL BILLING			.00
TOTAL OTHER CHARGES AND CREDITS			.00
TAXES, SURCHARGES & REGULATORY FEES			
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TOTAL TAXES, SURCHARGES & REGULATORY FEES			2.25
TOTAL CURRENT MONTHLY CHARGES			22.24

10:12AM

90068651

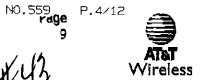
Account Name

Date of Invoice MARSHALL COUNTY SCHO

Account Number

05/10/03

Telephone Number 304-281-2142 Service User BRUCE MOSA



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SUMMARY OF CHARGES &				9
MONTHLY SERVICE CHARGES				
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MARSHALL CO BOARD ED
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COUNTY SCHO 05/10/03

MARSHALL COUNTY SCHO

Account Number

TOTAL CURRENT MONTHLY CHARGES

Telephone Number 304-281-2143

Service User BRUCE MOSA

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OTHER CHARGES AND CREDITS				
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TAXES, SURCHARGES & REGULATORY FEES				
FEDERAL TAX 911 SURCHARGE UNIVERSAL CONNECTIVITY CHARGE			.65 1.18 .42	
TOTAL TAXES, SURCHARGES & REGULATORY FEES				2.25

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JUN.25,2003

10:13AM Account Name

MARSHALL COUNTY SCHO

MARSHALL CO BOARD ED

Date of Invoice 05/10/03

Page

1.3

NO.559



P.6/12

Account Number 90068651

Telephone Number 304-281-2144

Service User BRUCE MOSA

MONTHLY SERVICE CHARGES

4/09/03 Through 5/08/03

MONTHLY SERVICE - AT&T WIRELESS \$19.99 19.99 CALL WAITING .00 INTL DIALING .00 CALLER ID .00 AT&T 2-WAY TEXT MSG \$0.00

TOTAL MONTHLY SERVICE CHARGES

19.99

.00

.00

HOME AIRTIME CHARGES

4/09/03 Through 5/08/03 - AT&T WIRELESS \$19.99

Category Minutes Rate Charge INCLUDED IN PLAN 25 .000 .00

TOTAL HOME AIRTIME CHARGES **OTHER CHARGES AND CREDITS**

> .00 DETAIL BILLING

TOTAL OTHER CHARGES AND CREDITS .00

TAXES, SURCHARGES & REGULATORY FEES

.65 FEDERAL TAX 1.18 911 SURCHARGE UNIVERSAL CONNECTIVITY CHARGE .42

2.25 TOTAL TAXES, SURCHARGES & REGULATORY FEES

TOTAL CURRENT MONTHLY CHARGES 22.24

HOME AIRTIME AND LONG DISTANCE CHARGES

	Ref	Date	Time	Number Called	Calls To		Calls From	Hinute <u>s</u>	Air	Long Distance	Total
-	0001	4/09	2:32P	304-845-3394	MOUNDSVL	W۷	WH	1	•		.00
	0002	4/15	7:50A		INCOMING	,	WH	į			.00
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	00 15	4/17	7:37A	••••••	INCOMING		WH	î			.00
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	0008	4/29	2:51P	304-233-1029	WHEELING	W۷	ĤŴ	2			.00

MARSHALL COUNTY SCHO BOARD ED Date of Invoice 05/10/03

P.7/12

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Account Number 90068651

Telephone Number 304-281-3734

Service User BRUCE MOSA

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TOTAL MONTHLY SERVICE CHARGES				19.99
HOME AIRTIME CHARGES				
4/09/03 Through 5/08/03 - AT&T WIRELES	SS \$19.99			
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TOTAL HOME AIRTIME CHARGES				94.00
OTHER CHARGES AND CREDITS				
DETAIL BILLING			.00	
TOTAL OTHER CHARGES AND CREDITS				.00
TAXES, SURCHARGES & REGULATORY FEES				
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Marie Carlotte and Carlotte Control of Control				N-9561000 (686-586)

TOTAL TAXES, SURCHARGES & REGULATORY FEES

TOTAL CURRENT MONTHLY CHARGES

<u>Ref</u>	Date	Time	Number Called	Calls To		Calls From	Minutes	Air	Long Distance	Tota]
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JUN.25.2003

10:14AMIT NAMARSHALL CO BOARD ED Invoice

TOTAL TAXES, SURCHARGES & REGULATORY FEES

TOTAL CURRENT MONTHLY CHARGES

MARSHALL COUNTY SCHO

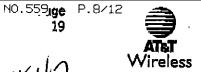
Account Number

90068651

05/10/03

Telephone Number 304-281-3735

Service User BRUCE MOSA



2.25

22.24

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SUMM	ARY OF	erancie:			gyt light		
MONTHL	Y SERVIC	E CHARGES					
4/(19/03	CALL WAI INTL DIA CALLER I	SERVICE TING LING	- AT&T WIRELESS	\$19. 9 9		19.99 .00 .00 .00	
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4/09/03	Through	5/08/03	- AT&T WIRELESS	\$19.99			
		ategory NCLUDED IN	PLAN	Minutes 5	Rate .000	Charge .00	
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OTHER CH	HARGES A	ND CREDIT	s				
	DETAIL B	ILLING				.00	
TOTAL OTH	ier Charg	es and crei	DITS				.00
TAXES, SU	JRCHARG	ES & REGU	LATORY FEES				
	FEDERAL 911 SURCI UNIVERSA	HARGE	/ITY CHARGE			.65 1.18 .42	

HOME AIRTIME AND LONG DISTANCE CHARGES

_	Ref	Date	Time	Number Called	Calls To		alls rom	Minutes	Air	Long Distance	Total
	0001 0002 0003 0004	4/23 4/25 4/25 4/25 4/25	6:51A 2:55P 2:56P 3:09P	304-845-0196 304-845-4422 304-843-4422 304-281-6116	MOUNDSVL MOUNDSVL MOUNDSVL WHEELING	M. M. M. M. M.	МН МН МН МН	1 1 1 1			.00 .00 .00

Account Name MARSHALL COUNTY SCHO

Date of Invoice 05/10/03

Page 21

Account Number 90068651

Telephone Number 304-281-5694

Service User BRUCE MOSA

SUMMARY OF CHARGES

MONTHLY SERVICE CHARGES

4/09/03 Through 5/08/03

MONTHLY SERVICE - AT&T ADVANTAGE GOVERNMENT

15.95 .00 CALL WAITING

TOTAL MONTHLY SERVICE CHARGES

15.95

HOME AIRTIME CHARGES

4/09/03 Through 5/08/03 - AT&T ADVANTAGE GOVERNMENT

Charge Category Minutes Rate .00 AIRTIME 0

.00 TOTAL HOME AIRTIME CHARGES

OTHER CHARGES AND CREDITS

.00 DETAIL BILLING

.00 TOTAL OTHER CHARGES AND CREDITS

TAXES, SURCHARGES & REGULATORY FEES

FEDERAL TAX .52 1.18 911 SURCHARGE .33 UNIVERSAL CONNECTIVITY CHARGE

2.03 TOTAL TAXES, SURCHARGES & REGULATORY FEES

17.98 TOTAL CURRENT MONTHLY CHARGES



Signal Signal Search Site Confact Signal Reference Area - Schools and Libraries Division

Reference SPIN and BEAR Contact Search Results

Note to Applicants. Please check the address information to ensure you are contacting the correct Service Provider

The absence of a "Y" in the Eligible Telecomm Provider column may simply indicate that the company has not yet been researched by the SLD to determine if it is eligible to provide telecommunications services. Applicants are reminded that they should confirm this and all other information with their Service Provider.

Page 1 of 1 Results 1 - 1 of 1

SPIN	Service Provider Name	Contact Name	Contact Address	Contact Phone	Eligible Telecomm Provider	SPAC F
143027008	MobilFone Service, Inc. dba Staley Paging	100,0g	93 Main Street , Wheeling, WV 26003	304-233- 8780		200: 200:

New Search Done

Questions about the SLD Program? Call our Client Service Bureau at (888) 203-8100

For web site questions or comments please use the Get Help! form

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--- No.559 - P.10/12 - - - - - -

Get one month free service for referring a friend who buys a pager!

All payments are due on the first of the month. • Accounts not paid by the 10th will be disconnected. • The processing fee for reconnection is \$10.00. • Thank you for paying on time

Cusiomer Number	Closing	Oste	Payment Duo Date	Purchase Order #	14-1	Total Due	Cust	опрет Въгујсе
41670-1	4/()0/	03	5/7/03	:	;	\$120.00	008)) 827-7250
Date	Reference			Description	, ,		1	Amount
1		Previous	Balance		3017	3		\$0.00
		921	ea1 341	, 502				
5/1/03 (208790 (304) 231-3217	Quarte	Service From 5/1/03 erly Service. Why Area	ı			\$21.00	\$24.00
5/1/03	208791	Quarterly	erly Service; Maintenat : Servica - From 5/1/03 :rly Service, Maintenat	To 8/1/03		# 23 TM EN	\$3.00 	\$24.00
	(304) 231-3214		rly Service: Whg Area	•	priose D		<u>.</u>	
5/1/03	208792		Service From 5/1/03 rly Service, Maintenar		73.3		\$3.00	\$24.00
	(304) 231-3213	Quarte	rly Service: Whg Area				\$21.00	
5/1/03	208793		Service From 5/1/03 rly Service: Maintenar				\$3 00	\$24.00
	(304) 231-3215	Quarte	rly Service: Whg Area				\$21.00	
5/1/03	208794		Service From 5/1/03 rly Service: Maintenar				\$3,00	\$24.00
	(304) 231-3218	Quarte	rly Service: Whg Area				\$21 00	
				1	Please P	ay This Am	ount >>>	\$120.00
120.00	Over 30	16-1	Over 80 Days	Over 90 Days 0.00	93	t To: aley Paging 3 Main Street heeling WV 26	003-2 412	
ohn Marshall H S	3							

STADO1 SL9

We Appreciate Your Business!

